

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

KASHMIR L. BRAY,)
)
 Plaintiff,)
 vs.) 2:11-cv-268-JMS-WGH
)
COMMISSIONER BRUCE LEMANN, et al.,)
)
 Defendants.)

Entry and Order Dismissing Action

I.

Kashmir Bray was notified in *Bray v. Buss*, 2:10-cv-237-PPS-APR (N.D.Ind. July 15, 2010), that he had accumulated three “strikes” under 28 U.S.C. § 1915(g) and hence was ineligible to proceed *in forma pauperis*. A copy of that Order is attached to this Entry and Order, identified as Exhibit 1.

Accordingly, granting Bray’s request to proceed *in forma pauperis* in this case was mistaken and is now **rescinded**. *Ammons v. Gerlinger*, 547 F.3d 724, 725 (7th Cir. 2008).

Consistent with the foregoing, Bray’s request to proceed *in forma pauperis* is **denied**.

II.

In order to proceed *in forma pauperis* despite the circumstances described and ruling made in Part I of this Entry, Bray’s allegations would have to show that he is under imminent danger of serious physical injury. “In order to meet the imminent danger requirement of 28 U.S.C. § 1915(g), the ‘threat or prison conditions [must be] real and proximate.’ When prisoners seeking to avoid the three strikes provision ‘allege only a past injury that has not recurred, courts deny them leave to proceed IFP.’” *Ciarpaglini v. Saini*, 352 F.3d 328, 330 (7th Cir. 2003) (citing *Lewis v. Sullivan*, 279 F.3d 526, 529 (7th Cir. 2002)). Bray’s allegations do not meet this standard.

III.

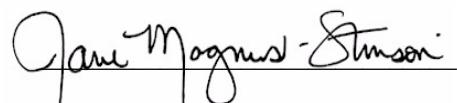
Sloan v. Lesza, 181 F.3d 857, 859 (7th Cir. 1999), dictates that in the circumstances noted in Part I of this Entry the action must be dismissed. “An effort to bamboozle the court by seeking permission to proceed *in forma pauperis* after a federal

judge has held that '1915(g) applies to a particular litigant will lead to immediate termination of the suit.' *Id.*

That is the disposition which is compelled here. The action is dismissed without prejudice. Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 11/23/2011



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana